

### **REMARKS**

In response to the Office Action of January 19, 2006, Applicant has cancelled a majority of the Claims and amended Claim 1. All of the remaining claims are dependent on amended Claim 1.

### **Current Amendment to Claim 1:**

(1) A description "in a single molded form" is based on the description of Page 11, Line 10 of the specification as originally filed.

(2) A description "a low density portion having a bulk density of 0.005 to 0.03 g/cm<sup>3</sup>, and a high density portion having higher bulk density than said low density portions" is supported by the description of Page 9, Line 13 of the specification as originally filed.

(3) A description "a mixture ratio of said solid filaments to said hollow filaments is 0:100 to 50:50" is supported by the description of Page 5, Lines 10 to 11 of the specification as originally filed.

Accordingly, it is Applicant's contention that no new matter has been entered.

### **Differences Between the Present Invention and the Cited References:**

As to the description "a three-dimensional structure with voids at a bulk density of a bulk density of 0.001 to 0.08 g/" in currently amended Claim 1, there is a description in Page 5, Lines 15 to 17 of the English specification as originally filed that "If the bulk density is equal to or higher than 0.08 g/cm<sup>3</sup>, it is impossible to reduce a weight thereof, and elasticity thereof is

lost.”. Furthermore, there is a description in Page 9, Lines 12 to 16 of the English specification as originally filed that “The bulk density at the low density portions is 0.005 to 0.03 g/cm<sup>3</sup>, preferably 0.008 to 0.03 g/cm<sup>3</sup>, preferably 0.01 to 0.03 g/cm<sup>3</sup>, while the bulk density at the high density portions is 0.03 to 0.08 g/cm<sup>3</sup>, preferably 0.04 to 0.07 g/cm<sup>3</sup>, particularly preferably 0.05 to 0.06 g/cm<sup>3</sup>.”.

In Page 5, Lines 3 to 8 of the outstanding Office Action, there is a statement that “Absent any unexpected results that arrive from using the claimed densities, it would have been obvious to a person having ordinary skill in the art to make the nonwoven web have a density within the claimed ranges, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art”, however, according to the description in Page 5, Lines 15 to 17 of the English specification as originally filed, the range “a three-dimensional structure with voids at a bulk density of 0.001 to 0.08 g/cm<sup>3</sup>” described in the currently amended Claim 1 is not merely “the optimum or workable ranges” but a required range to reduce a weight of the article without decreasing strength and elasticity.

There is neither disclosure nor suggestion concerning a bulk density as claimed by Applicant, in Martin et al, Kargol et al., Karami and Hoyle et al. Accordingly, it is Applicant’s contention that amended Claim 1 and Claims dependent thereon should be allowed.

In the aforementioned Office Action, the Examiner recognizes that Martin et al. fails to disclose a non-woven article having a uniform thickness when made with varying density. However, the Examiner went on to state that Kargol et al. discloses a cushion material made from polymeric fibers with varying zones of density (Abstract). The Examiner stated that using the method of Kargol et al., for forming a cushion creates a material superior in comfort and durability. From this, the Examiner concludes that it would have been obvious to one having ordinary skill in the art to use the method of providing varying density disclosed by Kargol et al. in the non-woven article of Martin et al. in order to make a more comfortable cushion.

It is respectfully submitted that the aforementioned comments do not suggest a non-

woven product having a uniform thickness when made with varying density. This conclusion is merely the conjecture of the Examiner and based on Applicant's disclosure.

Once again, the Examiner recognized that the mold of Kargol et al. displayed in the figures does not give a non-woven product with a uniform thickness because Kargol et al. discloses that the dimensions of the mold cavity may be altered and such alterations can be easily determined by one of skill in the art. It is respectfully submitted that the only justification for the Examiner's conclusion is that the Examiner is using the hind-sight from reading Applicant's own specification as a template for combining the references. And such is improper. Accordingly, it is Applicant's contention that the amended Claims should be allowed.

On page 4 the Examiner argues that since the material of Martin et al. is used as an abrasive article or cushioning material, it would likely be inherent for the fibers of the non-woven to comprise 70 -97% polyolefin for structure and 3-30% EVA for bonding. If not inherent, it would have been obvious to a person having ordinary skill in the art to create the non-woven web of Martin et al. with a higher ratio of structural material and lower level of bonding material ... It is Applicant's contention that once again the Examiner has taken Applicant's specification as a guide to reach this conclusion. Further, it is Applicant's contention that there is nothing in the cited art to suggest the article as called for in amended Claim 1 and the remaining dependent Claims.

Further on page 5, the Examiner argued that the web material of Martin et al. (column 7, line 1) and Kargol et al. (column 5, line 47) may be used as a cushioning web. The Examiner alleges that Martin et al. disclosed that a web can be made from hollow filaments (column 5, lines 22-24). The Examiner the concluded that a web made in this embodiment would have from 50 to 100% hollow filaments. It is Applicant's contention that there is nothing in the cited references to support this argument. Why wouldn't the web have 10, 20, 30, or 40% hollow filaments.

Original Claims 1 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Kargol et al. It is respectfully contended that Martin et al. column 13,

lines 55-63 discloses that the bulk density (or void volume) with, thickness and loftiness of the webs made from filaments of this invention can be varied by selecting the desired polymers and combinations thereof. In Martin et al., embossing is the method for changing the bulk density (or void volume). As shown in Figure 24 of Martin et al. height of the resulting article is uneven between the high' density portions and low' density portions. As shown from Figure 1, in the present invention the thickness of the high' density portions and low' density portions are the same. Therefore, the structure of the present invention is patentably distinguished from that of Martin et al.

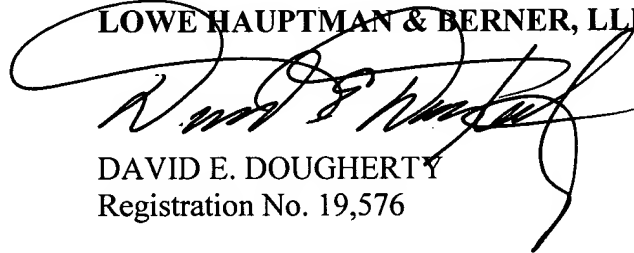
Further, with respect to Claim 62, the amended Claim calls for the resin molded article according to Claim 1 wherein high' density portions having an increased bulk density wherein each extend in a direction of width of said three dimensional structure are arranged at appropriate spaced intervals in a direction of length of the three dimensional structure. This is a factual difference and distinguishes the Claims over the prior art irrespective of how they were formed. Accordingly, the Claim is structurally distinguished over the cited art and should be allowed.

Since all of the Claims are now in proper form and clearly and patentably distinguished over the cited art prompt favorable action is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David E. Dougherty", is written over the printed name and firm name.

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